



# CAMMINO DIRITTO

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## **SPEED LIMIT: IT DOES NOT OPERATE IN THE OPPOSITE DIRECTION.**

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*The Court of Cassation, with the sentence n. 17205 of 12 July 2017, specified how the speed limit road sign indicates a prescription that operates only for who can perceive it in its driving behaviour, therefore, it does operate only in its direction and not in the opposite way.*

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In the case submitted to the attention of the Judges of the Supreme Court, an appeal was requested by the heirs of N. who had sued the Insurance and Mr. D.P.M., so that they would be severally liable for damages suffered as a result of a road accident in which their relative died.

Previously, **the court of Vasto, with the sentence n. 303 of 2009**, had rejected the request, considering that the responsibility of the accident was imputable exclusively to N. Of the same opinion was also **the Appeal Court of L'Aquila, with sentence n. 1307 of 2015**, which confirmed the responsibility of Mr. N. in the deposit of the claim. Therefore, the heirs of N. had appealed to the Supreme Court sustaining various motivations.

First of all, the appellers alleged that the law was infringed by claiming that there was a twofold speed limit in the direction in which happened the accident: not only for Mr. N but also for D.P. which proceeded in the opposite sense: the Court has highlighted how this motivation was unjustified, confirming, thus, what the judges had exposed.

In fact, the Court of Cassation has underlined that “the road sign is a device suitable to indicate a prescription, a warning or an indication to all vehicles that circulate and to any other user of the street. In short, it is the language with which the administrator of a street does communicate to the users the discipline of circulation: rules, danger, indications, limits. These signals operate as an express administrative measure. Such commands expressed by the public administration operate only for those who perceive it in the driving behavior and, therefore, in its sense of march.” In the specific case, since a speed limit signal in the opposite direction is not detectable, it cannot be adverted that supposed signal also operated in the opposite direction.

The Court of Cassation rejected the appeal.

In conclusion, **in the case of a two-way road, the speed limit must be considered operating in the sense in which it is affixed and not in both directions, since, in order for the sign to be operative, it has to be “perceptible”.**